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Georgia Public Service ~~COMMISSION~~ **EXECUTIVE SECRETARY**

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5701

DOCKET # 19341

DOCUMENT # 90827

Docket No. 19341-U

In Re: Generic Proceeding to Examine Issues Related to BellSouth Telecommunication, Inc's. Obligations to Provide Unbundled Network Elements

ORDER VACATING PORTION OF PRIOR ORDER

On March 9, 2005, the Georgia Public Service Commission ("Commission") issued an Order on MCI's Motion for Emergency Relief Concerning UNE-P Orders ("Order"). The order required all carriers to abide by the change of law provisions in their interconnection agreements to implement the terms of the Triennial Review Remand Order ("TRRO"). (Order, p. 7).

BellSouth Telecommunications, Inc. ("BellSouth") appealed the Order to the Federal District Court for the Northern District of Georgia. The Court granted BellSouth's request for an injunction against the Commission enforcing the order. BellSouth Telecommunications, Inc. v. MCImetro Access Transmission Services et al., 2005 U.S. Dist. LEXIS 9394 (April 5, 2005). In granting the injunction, the Court found that BellSouth had demonstrated that it had a substantial likelihood of success on the merits. *Id.* at *5. The Eleventh Circuit Court of Appeals upheld the injunction. BellSouth v. MCImetro Access Transmission Services, et al., 425 F.3d 964 (2005).

At its November 17, 2005 Administrative Session, the Commission voted to vacate the portion of its March 9, 2005 Order that requires all carriers to abide by the change of law provisions in their interconnection agreements to implement the terms of the TRRO with regard to new orders for unbundled local switching and dedicated loop and transport. This vacatur does not involve the rights of parties under separate abeyance agreements.

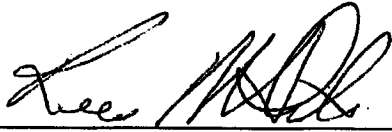
* * * * *

WHEREFORE IT IS ORDERED, that the portion of the Commission's March 9, 2005 Order that requires all carriers to abide by the change of law provision in their interconnection agreements to implement the terms of the TRRO is hereby vacated with regard to new orders for unbundled local switching and dedicated loop and transport.

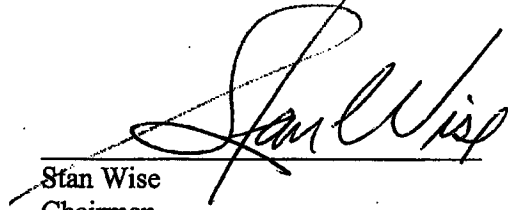
ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 17th day of November, 2005.



Reece McAlister
Executive Secretary



Stan Wise
Chairman

3-24-06

Date

3-24-06

Date